

***People vs. Michael Degnan***

1                   Let get our alternate jurors, as well.

2                   (Whereupon, the jury was brought into  
3                   the courtroom at 10:08 p.m.)

4                   (Whereupon, the alternate jurors were  
5                   brought into the courtroom at 10:08 p.m.)

6                   THE COURT: Okay. Perhaps for the last  
7                   time our record will reflect that the jury has  
8                   returned to the courtroom. Our faithful and loyal  
9                   and patient alternates have rejoined us, as well.

10                  We have Mr. DeLucia from the District  
11                  Attorney's Office present, the defendant, Mr. Degnan,  
12                  and his legal advisor, Mr. Sullivan.

13                  Folks, I have received your most recent  
14                  note in which you quite clearly indicate that you are  
15                  deadlocked on three of the charges.

16                  I'm satisfied, given the extensive time and  
17                  attention that you've paid to this matter both  
18                  yesterday, all day today, through the morning, the  
19                  afternoon and now well into the evening, that you  
20                  have done your best to reach a unanimous verdict. I  
21                  don't think there's any reasonable likelihood that if  
22                  I keep you here later tonight or have you come back  
23                  next week you're going to change your minds.

24                  Therefore, I'm going to accept what is  
25                  called a partial verdict from you.

*People vs. Michael Degnan*

1           On those counts where you have reached a  
2       unanimous verdict, I understand, or I hope, that you  
3       have recorded those verdicts on a verdict sheet.

4                   Without telling me what any specific  
5       verdict is, is that correct, Mr. Foreperson?

6 THE FOREPERSON: Correct.

7 THE COURT: In just a moment my clerk is  
8 going to ask you if you have reached your verdict.  
9 Your answer to that question would be "Yes, in part."

10                   At which point our Foreperson is going to  
11           hand the verdict sheet to our court officer. He's  
12           going to walk it over to me so I can look at it to  
13           make sure it has been completed properly to the  
14           degree it has been completed. He'll then walk it  
15           back, hand it back to you, sir.

16                   Once that sheet is then handed to you, my  
17           clerk will then ask you individually on each count  
18           what your verdict is. Your answers for each count  
19           should be either guilty, not guilty or we are  
20           deadlocked on that charge. And then she'll take you  
21           through each charge.

22 Does that all make sense to you, sir?

23 THE FOREPERSON: Yes, sir.

24 THE COURT: Okay.

25 THE COURT CLERK: Ladies and gentlemen of

***People vs. Michael Degnan***

1 the jury, have you agreed upon a verdict on at least  
2 some of the charges?

3 THE FOREPERSON: Yes.

4 (Whereupon, the verdict sheet was  
5 handed to the Court.)

6 THE COURT: Okay. Good.

7 (Whereupon, the verdict sheet was  
8 handed to the Foreperson.)

9 THE COURT CLERK: Ladies and gentlemen of  
10 the jury, would the Foreperson please rise.

11 (Whereupon, the Foreperson then rose.)

12 THE COURT CLERK: As to the crime of rape  
13 in the second degree, do you find the defendant,  
14 Michael J. Degnan, guilty, not guilty or are you  
15 deadlocked on this charge?

16 THE FOREPERSON: We are deadlocked on this  
17 charge.

18 THE COURT CLERK: As to the crime of  
19 criminal sexual act in the second degree, pertaining  
20 to anal conduct, do you find the defendant guilty,  
21 not guilty or are you deadlocked on this charge?

22 THE FOREPERSON: Not guilty.

23 THE COURT CLERK: As to the crime of  
24 criminal sexual act - second degree, pertaining to  
25 oral conduct, do you find the defendant guilty, not

***People vs. Michael Degnan***

1 guilty or are you deadlocked on this charge?

2 THE FOREPERSON: Not guilty.

3 THE COURT CLERK: As to the crime of  
4 endangering the welfare of a child, do you find the  
5 defendant guilty, not guilty or are you deadlocked on  
6 this charge?

7 THE FOREPERSON: Guilty.

8 THE COURT CLERK: As to the crime of  
9 burglary in the second degree, do you find the  
10 defendant guilty, not guilty or are you deadlocked on  
11 this charge?

12 THE FOREPERSON: Guilty.

13 THE COURT CLERK: As to the crime of grand  
14 larceny in the fourth degree, pertaining to the 1995  
15 Ford F-350, do you find the defendant guilty, not  
16 guilty or are you deadlocked on this charge?

17 THE FOREPERSON: We are deadlocked.

18 THE COURT CLERK: As to the crime of grand  
19 larceny in the fourth degree, pertaining to the 2011  
20 Ford F-150, do you find the defendant guilty, not  
21 guilty or are you deadlocked on this charge?

22 THE FOREPERSON: We are deadlocked.

23 THE COURT CLERK: As to the crime of petit  
24 larceny, pertaining to the Top-Gun T-shirt, do you  
25 find the defendant guilty, not guilty or deadlocked

***People vs. Michael Degnan***

1 on this charge?

2 THE FOREPERSON: Guilty.

3 THE COURT CLERK: As to the crime of petit  
4 larceny, pertaining to the black long-sleeved  
5 T-shirt, do you find the defendant guilty, not guilty  
6 or deadlocked on this charge?

7 THE FOREPERSON: Guilty.

8 THE COURT CLERK: As to the crime of petit  
9 larceny, pertaining to the Ely Park jacket, do you  
10 find the defendant guilty, not guilty or are you  
11 deadlocked on this charge?

12 THE FOREPERSON: Guilty.

13 THE COURT CLERK: Is this verdict  
14 unanimous, so say you all?

15 ALL JURORS: Yes.

16 THE COURT CLERK: Thank you. You may be  
17 seated.

18 (Whereupon, the Foreperson was then  
19 seated.)

20 THE COURT: Would you like jury  
21 individually polled?

22 MR. DELUCIA: No, thank you, Judge.

23 THE COURT: Mr. Degnan, would you like to  
24 have the jury individually polled?

25 (Whereupon, a discussion off the

***People vs. Michael Degnan***

1 record then occurred.)

2 THE DEFENDANT: No. No, thank you.

3 THE COURT: Ladies and gentlemen, we are  
4 recording your verdict, and if we could have the  
5 verdict sheet.

6 (Whereupon, the verdict sheet was  
7 handed to the Court.)

8 THE COURT: Thank you.

9 April you are now formally discharged.

10 I would like to see the trial jury and our  
11 alternates in the jury deliberation room for a few  
12 minutes. I told you when I started this process I'd  
13 have the opportunity to meet with you and answer any  
14 questions that you might have and we'll take that up  
15 now.

16 Mr. Degnan, you have been convicted of one  
17 of the -- I believe one of the charges of burglary,  
18 the burglary charge. Under these circumstances, I'm  
19 going to remand you back to the custody of the  
20 Sheriff, schedule you for sentencing.

21 I'll direct that the Probation Department  
22 prepare a Pre-Sentence Investigation.

23 I am declaring a mistrial as to the  
24 remaining charges based on the jury's deadlocked on  
25 those charges. And I will schedule a second trial

***People vs. Michael Degnan***

1           for you in the near future.

2                     If the jury would, please, go back into the  
3           deliberation room at this juncture, including our  
4           alternates.

5                     And, gentlemen, if you'd put Mr. Degnan in  
6           custody.

7                     And we'll send out the scheduling notices  
8           in the near future.

9                             (Whereupon, the jury and alternate  
10           jurors were excused to the jury room at  
11           10:15 p.m.)

12                    THE COURT: Attorneys, you folks are free  
13           to go. If you want to wait until the jury comes out,  
14           you're welcome to do that, as well.

15                    MR. DELUCIA: Okay, thanks.

16

17

18

19

\*                   \*                   \*

20

21

22

23

24

25